

Atty. Docket No. 98-0967A
Serial No. 09/155,076
December 22, 2004

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. EXAMINER INTERVIEWS

Applicants are grateful for the numerous telephone discussions held with Examiner Sharon Turner on September 8, November 8 and December 21, 2004. During these discussions, the Examiner suggested amending the claims to "isolated peptide consisting of a peptide of SEQ ID NO: 1" to overcome the outstanding rejections and place the claims in condition for allowance. The claims have been amended as suggested.

II. CLAIM STATUS & AMENDMENTS

Upon entry of this amendment, claims 13, 33 and 34 will have been amended.

Support for the "consisting of" format in claim 13 can be found in original claim 13 and in the specification, for example, at page 4, lines 27-29.

Claims 33 and 34 have been amended to delete their dependency on claim 32 which was cancelled.

Therefore, no new matter has been added by this amendment.

The present amendment cancels claim 32 without prejudice or disclaimer thereto. Also, the supplemental response filed September 17, 2004 cancelled withdrawn claims 36-38 without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Upon entry of these amendments, claims 13, 16, 30, 31 and 33-35 will be pending in this application.

It is respectfully requested that withdrawn claims 34 and 35 be rejoined with the elected claim invention. During the telephone discussions with the Examiner on September 8, and December 21, 2004, it was indicated that such claims would be rejoined with the elected claims upon an indication of allowance of the elected claims. It is noted that the present amendment overcomes

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the outstanding rejections and places the claims in condition for allowance. Thus, please rejoin claims 34 and 35 with the elected claimed invention.

CONCLUSION

In view of the foregoing amendments and remarks, the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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